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NO. 30 ORIGINAL

In the Supreme Court of the United States

OCTOBER TERM 1966

STATE OF MICHIGAN, PLAINTIFF

v.

STATE OF OHIO, DEFENDANT

BRIEF FOR DEFENDANT IN ANSWER TO EXCEPTIONS TO REPORT AND RECOMMENDATIONS OF SPECIAL MASTER TAKEN BY THE PLAINTIFF AND BRIEF IN SUPPORT THEREOF

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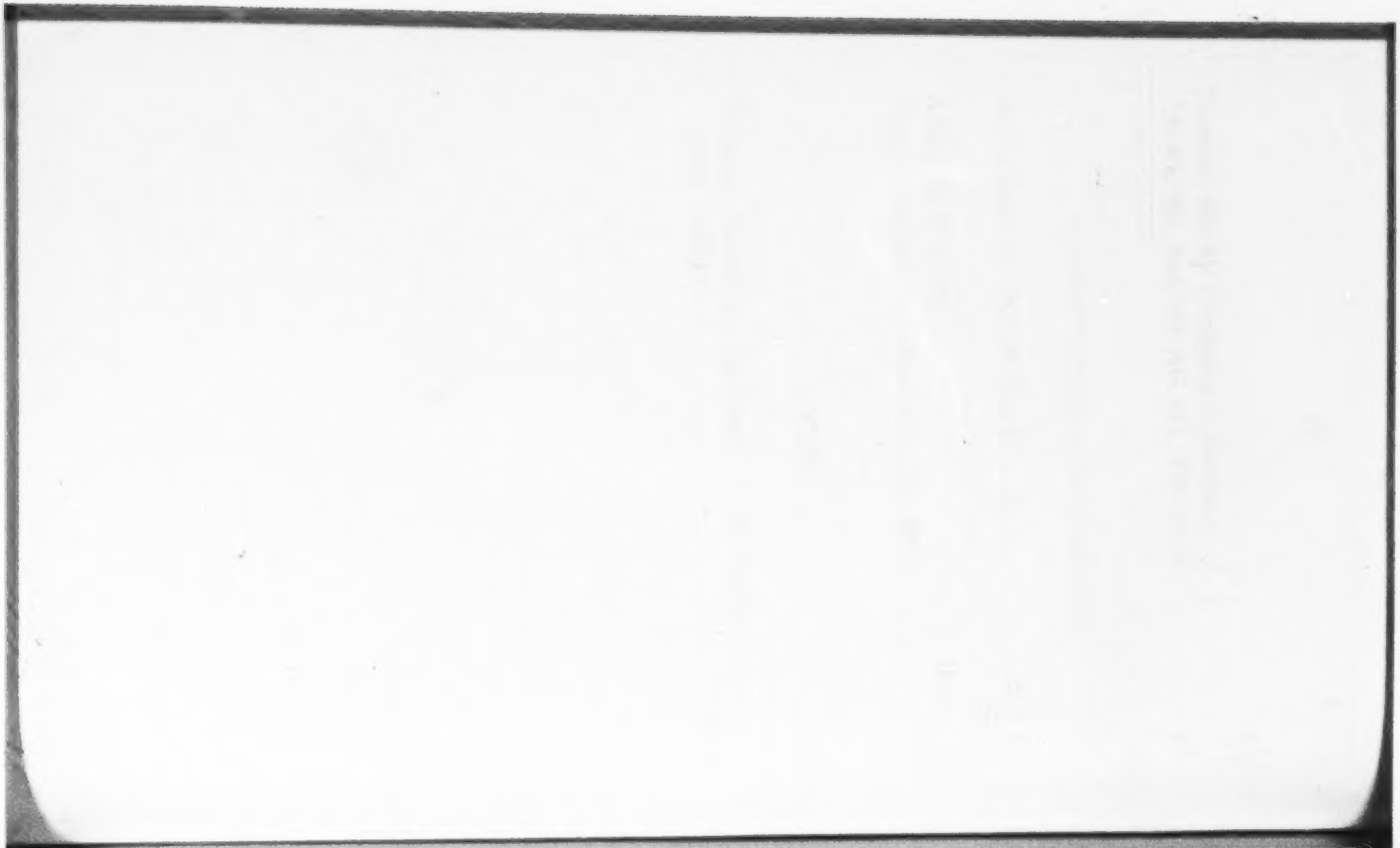

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I. Did the Special Master correctly find and conclude that the north cape of Maumee Bay was located in 1836 at the point in that bay where a line drawn north 87° 49' 44" East from Post 71 on the land boundary line between the States of Ohio and Michigan intersects a line drawn

South 45° West from the center of the existing circular concrete seawall on Turtle Island, both bearings being measured from a true meridian?

II. Did the Special Master correctly find and conclude that the boundary line between the States of Ohio and Michigan in Lake Erie follows a line drawn from the point in Maumee Bay where the north cape of that bay was located in 1836, on a course having a bearing North 45° East measured from a true meridian, passing over the center of the existing circular concrete seawall on Turtle Island and continuing on the same course through the lake to the point where it intersects the boundary line between the United States and Canada?

III. Did the Special Master correctly conclude that the existing seawall on Turtle Island establishes that as a permanent monument on the boundary line between the two states in Lake Erie?

STATEMENT OF THE CASE

The present controversy involves the location of that portion of the boundary line between the States of Ohio and Michigan which runs through the waters of Lake Erie to the eastward of a point which was the location of the most northerly cape of Maumee Bay in 1836. That cape, which has long since eroded to the north, was the eastern terminus of the land boundary between these states. Because of the erosion of the north cape of Maumee Bay the controversy also involves the precise position which that cape occupied in 1836.

The boundary between these states was established by the Congress by the Act of June 15, 1836, 5 Stat. 49,

which provided for the admission of the State of Michigan into the Union. That act provided "That the northern boundary line of the State of Ohio shall be established at, and shall be a direct line drawn from the southern extremity of Lake Michigan, to the most northerly cape of the Maumee (Miami) Bay, after that line, so drawn, shall intersect the eastern boundary line of the State of Indiana; and from the said north cape of the said bay, northeast to the boundary line between the United States and the province of Upper Canada, in Lake Erie; and thence, with the said mentioned line, to its intersection with the western line of the State of Pennsylvania." The people of the State of Michigan, through the vote of a convention of elected delegates on December 15, 1836, assented to the boundary line with the State of Ohio established by the Act of June 15, 1836, an assent which was required by the Act as a condition of admission to the Union. Nonetheless, the two states do not agree upon the meaning and application of the words "from the said north cape of the said bay, northeast" as used in the Act of 1836 to indicate the bearing of the boundary through the waters of Lake Erie eastward of the north cape of Maumee Bay. The State of Michigan contends that "from the said north cape . . . northeast" as used in this Act should be construed to mean in a northeasterly direction, continuing on the same course or bearing as the land portion of the boundary line from the Indiana line to the north cape of Maumee Bay. The State of Ohio, on the other hand, contends that "northeast" as used in the Act of 1836 means due northeast, i.e., North 45° East. The controversy thus involves the question of jurisdiction over a triangular segment of Lake Erie waters and lake bed said to contain about 200 square miles. It also necessarily involves the precise location which was

occupied by the most northerly cape of Maumee Bay in 1836 before it eroded to its present more northerly position.

Within this controversy there is no dispute as to the location of the land boundary, it having been settled since 1915. Both states by a joint commission established and monumented the boundary between them from the westernmost part of the northern boundary of Ohio to the easternmost terminus.

SUMMARY OF ARGUMENT

The North cape of Maumee Bay was located in 1836 at the point in that bay where a line drawn North 87° 49' 44" East from Post 71 on the land boundary line between the States of Ohio and Michigan intersects a line drawn South 45° West from the center of the existing circular concrete seawall on Turtle Island, both bearings being measured from a true meridian.

The boundary line between the States of Ohio and Michigan follows a line drawn from the point in Maumee Bay where the north cape of that bay was located in 1836, on a course having a bearing North 45° East measured from a true meridian, passing over the center of the existing circular concrete seawall on Turtle Island and continuing on the same course through the lake to the point where it intersects the boundary line between the United States and Canada.

The direction of the boundary line between the states of Ohio and Michigan from the north cape of Maumee Bay to the international boundary line between the United States and Canada can be ascertained from the plain and unambiguous language employed by Congress in 1836 in legislation establishing that line and providing for the admission of Michigan into the Union. Contemporaneous

construction of the direction as North 45° East is indicated by the fact that Captain Williams, the Government Engineer who surveyed the area in 1844, indicated on his map of the area a boundary line between Ohio and Michigan running North 45° East from the north cape of Maumee Bay. It is also suggested by the fact that later maps have likewise indicated the boundary in the lake as running North 45° East.

The north cape of the Maumee Bay can be re-established and ascertained by reversing the course North 45° East through the fixed monument of the seawall on Turtle Island and intersecting that line with the extension of the land boundary line from Post 71 across Maumee Bay. Both Michigan and Ohio, as a result of resolutions passed by their respective legislatures, recognized this theory of boundary demarcation, although Michigan later rescinded their resolution.

ARGUMENT

I. DID THE SPECIAL MASTER CORRECTLY FIND AND CONCLUDE THAT THE NORTH CAPE OF MAUMEE BAY WAS LOCATED IN 1836 AT THE POINT IN THAT BAY WHERE A LINE DRAWN NORTH 87° 49' 44" EAST FROM POST 71 ON THE LAND BOUNDARY LINE BETWEEN THE STATES OF OHIO AND MICHIGAN INTERSECTS A LINE DRAWN SOUTH 45° WEST FROM THE CENTER OF THE EXISTING CIRCULAR CONCRETE SEAWALL ON TURTLE ISLAND, BOTH BEARINGS BEING MEASURED FROM A TRUE MERIDIAN?

The Special Master noted the fact which is agreed upon by all parties, namely, that the north cape of Maumee Bay

which was monumented by Harris in 1817 has eroded a considerable distance to the north since 1836. The problem, therefore, is to establish a point in the bed of Maumee Bay which was the location of the north cape in the year 1836.

The Special Master notes, (Report 31) that the presence of the lighthouse on Turtle Island is very helpful in determining the location of the north cape. The Special Master states, at Report 32, 33, as follows:

> "The Ohio-Michigan land boundary was monumented in 1915 under the auspices of a joint commission, retracing as nearly as possible the Harris Survey. [finding 40]. The land boundary thus monumented as it approaches Post 71, the easternmost monument on the land line, follows a course having the bearing north 87° 49' 44" East. [finding 41]. That same line extended eastwardly from Post 71 across Maumee Bay should pass through the 1836 location of the north cape of Maumee Bay, since that was the original eastern terminus of the land boundary line. A line drawn south 45° West from the presumed location of the former lighthouse in the center of the circular concrete seawall on Turtle Island should also pass through the 1836 location of the north cape of Maumee Bay. Accordingly location of the north cape may be recovered today by determining the point of intersection of these two lines.
>
> It is true that the land boundary as monumented in 1915 may vary slightly from the original Harris line. Likewise, Talcott and Williams vary by 7' 6.4" in their determinations of the bearing of a line drawn

from the former lighthouse on Turtle Island to the north cape of Maumee Bay as it then existed. But these variations, the latter of which may well be the result of minor erosion taking place between 1835 and 1844, are, in my judgment, so small as to be inconsequential in view of the impossibility of determining today the precise points on the north cape which were used by Harris, Talcott and Williams, respectively, in making their surveys. Indeed, the distance between the points on the north cape sighted by Talcott and Williams, respectively I compute at less than 22 feet. I believe it to be of much more significance, from a practical standpoint, that a line drawn from the north cape of Maumee Bay, as it was located by Captain Williams in 1844, on a course having a bearing of North 45° East would pass through the site of the old lighthouse in approximately the center of the seawall on Turtle Island, thus establishing the center of the existing seawall on that island as a permanent monument on the boundary line between the two states in Lake Erie.

This fortunate circumstance will very greatly facilitate not only the demarcation, but also the continous recognition of the location, of that boundary. I am the more persuaded of its appropriateness by the fact that the Legislatures of Ohio and Michigan, in resolutions passed in 1933 and 1945, respectively, declared their boundary in Lake Erie to be a line passing through the center of the circular concrete seawall on the center part of Turtle Island and bearing South 45° West therefrom until it should intersect the land line between the two states as marked

and monumented by them in 1915 [i.e., the former location of the north cape of Maumee Bay]; and that from the aforesaid center of the circular wall the boundary in Lake Erie should extend North 45° East until it intersected the international boundary line between the United States and Canada [findings 42 and 43]. It is true that the resolution by Michigan to this effect in 1945 was a concurrent resolution which, as such, did not have the force of law and that it was rescinded by the Michigan Legislature in 1947. [finding 44]. However, although admittedly not binding on Michigan as a settlement of the present controversy, these resolutions indicate the understanding of both States that if the boundary between them in Lake Erie should be determined to run due northeast, that is, north 45° east, from the former location of the north cape of Maumee Bay, it would pass through the center of Turtle Island. The map of the Erie Quadrangle of the topographical map of the United States published by the United States Geological Survey, with collaboration by the State Highway Commissioner of Michigan [appendix E] to which I have already referred, affords further evidence of such recognition. For it shows the boundary line between the two states in Lake Erie as passing through the center of Turtle Island."

If one adopts the position of the State of Ohio that the line between Michigan and Ohio departs on a course North 45° East from the north cape to the international boundary line, then the most northerly cape of the Maumee Bay can be reestablished and ascertained by taking a point known

to have intersected the line departing from the cape and reversing that course by running a line on the course South 45° West from the known point until the reverse line intersects the projection of the known and established land boundary line. As stated in *Simmons Creek Coal Co. v. Doran*, 152 U.S. 417 at p. 432:

> "It is well settled that in running the line of the survey of public lands in one direction, if a difficulty is met with, and all the known calls of the survey are met by running them in the reverse direction, this may be properly done. *Ayers v. Watson*, 137 U.S. 384."

As stated, Turtle Island is the fixed point from which the determination is made.

II. DID THE SPECIAL MASTER CORRECTLY FIND AND CONCLUDE THAT THE BOUNDARY LINE BETWEEN THE STATES OF OHIO AND MICHIGAN IN LAKE ERIE FOLLOWS A LINE DRAWN FROM THE POINT IN MAUMEE BAY WHERE THE NORTH CAPE OF THAT BAY WAS LOCATED IN 1836, ON A COURSE HAVING A BEARING NORTH 45° EAST MEASURED FROM A TRUE MERIDIAN, PASSING OVER THE CENTER OF THE EXISTING CIRCULAR CONCRETE SEAWALL ON TURTLE ISLAND AND CONTINUING ON THE SAME COURSE THROUGH THE LAKE TO THE POINT WHERE IT INTERSECTS THE BOUNDARY LINE BETWEEN THE UNITED STATES AND CANADA?

It is the position of the State of Ohio that, to ascertain the intention of Congress in 1836 with regard to the direc-

tion of the boundary between Ohio and Michigan from the North cape of the Maumee Bay to the International Boundary Line, it is necessary only to look at the plain meaning of the term "northeast" as used at the time the enabling legislation was enacted. It is helpful to consider initially the actual words utilized by Congress in the Acts in the light of the meaning of those words at the time they were used. In 5 Stat. 49 (1836) Congress first described the land boundary line, which description terminates at the cape, and Congress then recites the next call as "from the said north cape." The preposition "from" is described in the dictionary of the day as follows:

> "The sense of from may be expressed by the noun distance or by the adjective distant, or by the participles, departing, removing into a distance . . ." Webster, American Dictionary of the English language (1828)."

Similarly, in 5 Stat. 56-57 (1836), Congress sets forth the land boundary of the cape, and then the next call recited is "thence, northeast." The word "thence" was defined at the time of its usage as:

> "1. from that place." Webster, American Dictionary of English language (1828)."

It is evident from the foregoing that the call following the one describing the land boundary line is a call departing from said land boundary line at its terminus, the cape.

Buttressing the conclusion of departure, and more importantly, describing the course of the departing line, is the word "northeast," which appears in both of said statutes following the words of departure discussed, *supra*.

Again turning to the plain meaning of this word, "northeast" had but one defined meaning at the time 5 Stat. 49 (1836) and 5 Stat. 56-57 (1836), were passed, to wit:

> "The point between the north and east, at an equal distance from each." Webster, American Dictionary of the English language. (1828).

The use of this word in defining the northern boundary of Ohio not only reaffirms the fact that the Lake boundary line departs from the land boundary line, but gives the course for the lake boundary line which given course is the point an equal distance between north and east, or, in other words, North 45° East. The line contended for by Michigan would merely be an extension of the land boundary line and would run almost due east.

Early and continued judicial interpretation of boundary descriptions containing the course of a line going to a compass position, further substantiates the fact that the call "northeast" in the aforesaid statutes means North 45° East.

There are a plethora of cases interpreting a description employing a call to one of the cardinal points of the compass (north, east, south, west), to mean a line running directly in that course, unless qualified or controlled by other words in a description. See, for example, *Hagan v. Campbell*, 8 Porters Reports (Ala.) 9, 31 (1838); *Vermont Marble Company v. Eastman*, 91 Vt. 425, 443, 101 Atl. 151, 158 (1917); *E. E. McCalla v. Sleeper*, 105 Cal. App. 552, 569, 288 P. 146, 148 (Court of Appeals 1930). Even when the Cardinal point course is qualified by the suffix (ly) or (ward) (ex. northerly, southward), courts have interpreted the course to be a line directly to the cardinal point (ex. due

north, due south) unless controlled by other calls. See, ex. *Jackson v. Reeves*, 3 CAI. R. New York, 299 (Supreme Court 1805); *Brandt v. Ogden*, 1 Johns R. (New York) 156, 158 (S. C. 1806); *Currier v. Nelson*, 96 Cal. 505, 508, 31 P. 531, 532 (1892).

The cases defining the course of a line contained in a boundary description to a compass point other than a cardinal point are in accord with the cardinal point cases (and each other) in holding that a line following such a call must run directly in that course, unless a different location is required by other words in a description. See *Moore v. Harris*, 2 Ky. Dec. 18 (1801); *Irwin v. Towne*, 42 Cal. 326, 334 (1871); *Holden v. Alexander*, 82 S. C. 441, 454, 62 S. E. 1108, 1112 (1908). One of the more succinct statements of this proposition is contained in the case of *Holden v. Alexander, supra,:*

> "While the course 'southwest' called for in the deed without stating degrees is unusual, and possibly might not have been intended to mean an exact course, *yet southwest means a course equally diverging from south and west, or south 45 degrees west;* and when used in a deed, a different meaning cannot be given to it by parole testimony."
>
> (Emphasis Added)

The State of Michigan refers to three cases decided by the Supreme Court of Washington, i.e., *Groeneveld v. Camano Bluepoint Oyster Company*, 81 P. 2d 826, 829; *Fosburgh v. Sando*, 166 P. 2d 850, 851; *Bonded Adjustment Co. v. Edmunds*, 182 P. 2d 17. Michigan concludes that the term "northeast" is similar to "northwesterly" as described

in a statute of the State of Washington and "northerly" in description in conveyances and memoranda of decision in the same state. Michigan further concludes that the Supreme Court of Washington takes the position that the terms "northerly" and "northwesterly" are general terms.

It is submitted that the cases cited by Michigan, *supra*, are inopposite to the present controversy. Even though there does appear language in the cases to the effect that the term "thence northerly" or "thence northwesterly" is a generic term, some of the cases cited were decided on additional grounds. For example, in *Fosburgh v. Sando*, *supra*, at 166 P. 2d 851, the Court states, in part, as follows:

> "... Assuming for the sake of argument, that this course means due north, the next course (thence approximately 207 feet) is not sufficiently definite without recourse to parol evidence, to inform one the direction of the second course."

The case of *Bonded Adjustment Company v. Edmunds*, *supra*, although citing *Groeneveld*, *supra*, regarding the insufficiency of description in a deed, held that a so called written lease of "a house at 2626 W. Fairview" was an insufficient designation of the premises and was invalid under the statute of Frauds.

Neither of the descriptions here in question contain any words or calls, which would qualify or change the course "northeast" to something other than due northeast, North 45° East.

In each of the aforesaid statutes Congress utilized clear and unambiguous language in describing the northern boundary of the State of Ohio in Lake Erie. In both of said statutes Congress described the line in question as a line

departing from the direction of the land boundary line at the most northerly cape of the Maumee (Miami) Bay and beginning at the cape, a course North 45° East, is followed from said cape to the International Boundary Line. The course (northeast) and the distance from the cape to the International Boundary Line are the only descriptions of the Lake Erie portion of Ohio's northern boundary line given in 5 Stat. 49 (1836) and 5 Stat. 56-57 (1836). As was stated by Chief Justice Marshall in *Chinoweth v. Haskell*, 28 U.S. (3 Pet.) 92, 96 (1830):

> "The *courses and distances* are less certain and less permanent guides to the land actually surveyed and granted than natural and fixed objects on the ground, *but they are guides to some extent, and, in the absence of all others, must govern us.*"
>
> (Emphasis Added)

Further substantiating the views expressed above are Ohio Exhibits 1, 2 and 3, the same being the survey of the Maumee Bay under the direction of Captain W. G. Williams in 1844, which survey showed the boundary line between Ohio and Michigan as beginning a course of North 45° East at the point described on the map as "north cape." The boundary line shown on the map following the course North 45° East from "north cape" bisects Turtle Island, and is shown as either passing through the lighthouse on this island or very near to it. The map shows Turtle Island to have a total area of less than an acre. The Williams survey was prepared only eight years after the 1836 enabling legislation.

Additionally, as indicated by the Special Master, the States of Ohio and Michigan both recognized the location

of the north cape of the Maumee Bay and the direction of the boundary line from the north cape to the international boundary line in the resolution of 1933 adopted by the General Assembly of Ohio and the concurrent resolution, identical to Ohio's adopted by the legislature of the State of Michigan in 1945. Even in view of the 1947 Michigan resolution rescinding what that state had done in 1945, it is apparent that both State Legislatures considered that a line following the course North 45° East from the most northerly cape of the Maumee (Miami) Bay passed through Turtle Island, A thorough review of the 1947 Michigan rescission resolution does not indicate that Michigan took issue with this proposition, as is evident by the following language therefrom:

> "Whereas, the State of Ohio, by a concurrent resolution adopted several years ago attempted to resolve the stated uncertainty surrounding the boundary line by adopting a point on Turtle Island on Lake Erie as a basis for a line at 45 degrees to intersect the land boundary line between the states and to intersect the international boundary line *thereby conforming more closely to the language of the original and enabling acts and the constitutional provisions regarding the boundary line between the two states.*"
>
> (Emphasis Added)

The State of Michigan places great reliance upon the Talcott Survey and criticizes the earlier surveys run by Harris and Fulton. It notes that the Talcott survey was transmitted to Congress prior to the enabling legislation of 1836 which admitted Michigan into the Union and de-

fined the boundary line in Lake Erie between the two states. Suffice it to say that Congress had before it, at the time the legislation was adopted, all three surveys in question and there is nothing in the records to indicate that Congress intended an extension of the Talcott line.

Michigan also places great reliance upon the testimony of Professor Berry. Professor Berry's calculations, we contend, cannot have any bearing as to the Congressional intention in 1836. We believe that case law and normal understanding of terms at the time they were used should control their interpretation.

It should be noted that the map relied upon by Congress, and by the convention of Ohio at the time Ohio was admitted into the Union, showed a due east line running so far north that it intersected the Detroit River above Lake Erie. (Michigan Exhibit 7, pages 13, 47).

An interesting analysis of what Congress' acceptance of Ohio's contention as set forth in the Ohio Constitution of 1802, meant to Michigan is set forth at Michigan Exhibit 3, page 78, as follows:

> ". . . It may be proper here to remark again that a reference to the maps of the day will show it was the intention of Congress to give Ohio the whole of the upper part of Lake Erie, it being the only navigable border that state has on its northern limits; whereas if the claim of Ohio be admitted according to her constitution, Michigan will still, besides having nearly all Lake Michigan, part of Lake Superior, all of Lake Huron, and Lake St. Clair, possess a lake border also on Lake Erie of some 5 and 20 miles, with a bay at the mouth of the river raisin, upon

the improvement of which Congress has already bestowed its attention and liberality."

Michigan clearly understood the meaning of the term "thence northeast" contained in the proviso to the Ohio Constitution of November 29, 1802. See Michigan Exhibit 10, pages 4, 6, 30.

There is no evidence that Congress intended to extend the Talcott line, which comes very close to being a due east line. In point of fact, an analysis of Michigan Exhibit 10 reveals that Michigan was well aware of the Lake territory in dispute and what the acceptance of the proviso to the Ohio Constitution of 1802 would mean to it. Michigan knew that it could only come into the Union upon the terms and conditions specified in the Act of 1836. Michigan declined to assent to those terms and conditions in July of 1836 but did assent in December. Michigan Exhibit 10, page 4, the same being a letter to President Andrew Jackson provides, in pertinent part as follows:

> "An accurate survey, recently made by competent engineers, discloses the new and startling fact, that a line from the most northerly cape of the Maumee Bay, northeast to the line to the United States and Canada will not only give to Ohio jurisdiction over the entire western extremity of Lake Erie, even to the mouth of the Detroit River, but will deprive Michigan of jurisdiction over her own acknowledged harbors, even to the depth of four fathom water . . ."

The findings of the Special Master are further supported by Ohio Exhibits 4 and 5. Ohio Exhibit No. 4, in evidence in this case is a map of the "Erie Quadrangle", United States Department of Interior, Geological Survey.

It was published in 1952 and bears the notation at the top of the Michigan State Highway Department, Charles Ziegler, State Highway Commissioner.

Ohio Exhibit Number 5 reflects the "Oregon Quadrangle", United States Department of Interior, Geological Survey, published in 1965.

Both Ohio Exhibits Numbers 4 and 5 portray the Ohio-Michigan boundary in Lake Erie and both clearly show that boundary as extending from Post 71 to the North cape of Maumee Bay and thence North 45° East.

Although Ohio does not now and never has claimed that such exhibits are binding and conclusive upon the issue at hand, it is quite significant and relevant to note that, up until the time of the filing of this law suit, authorities of the State of Michigan seemed to recognize the line in Lake Erie as contended for by Ohio.

III. DID THE SPECIAL MASTER CORRECTLY CONCLUDE THAT THE EXISTING SEAWALL ON TURTLE ISLAND ESTABLISHED THAT AS A PERMANENT MONUMENT ON THE BOUNDARY LINE BETWEEN THE TWO STATES IN LAKE ERIE?

The Special Master correctly concluded that the existing seawall on Turtle Island establishes that as a permanent monument on the boundary line between the two states in Lake Erie.

Many of the references to Turtle Island in evidence in this case have been referred to earlier in this brief. It seems to be the theory of the State of Michigan that the Special Master erred in placing Turtle Island as a monument because it was not referred to specifically in the enabling legislation of 1836. While it is true that Turtle Island was not specifically referred to as a call, it was known by Captain Talcott and by surveyors of the day and represents a

monument which probably has not changed its position since the original legislation referred to. It was also, as has been shown previously, accepted by the state of Michigan in its resolution of 1945 and in further maps since that date which show the boundary line between the two states in Lake Erie as extending North 45° East through the approximate middle of the seawall on that island.

Michigan also challenges the legal principle cited by Ohio of reversing the known call of North 45° East to South 45° West and running the latter course through Turtle Island to relocate the north cape of Maumee Bay. We assert that the principle is perfectly sound and that cases such as *Simmons Creek Coal Company v. Doran* and *Ayers v. Watson, supra*, represent the closest analogous case authority bearing upon the point.

CONCLUSION

In accordance with the Findings and Conclusions of the Special Master we respectfully urge this court to enter a decree in the following form:

It is now ordered, adjudged and decreed as follows:

1. The boundary line between the States of Ohio and Michigan in Lake Erie follows a line drawn from the point in Maumee Bay where the north cape of that bay was located in 1836 on a course having a bearing North 45° East measured from a true meridian, passing over the center of the existing circular concrete seawall on Turtle Island and continuing on the same course through the lake to the point where it intersects the boundary line between the United States and Canada.

2. In 1836 the north cape of Maumee Bay was located at the point in that bay where a line drawn North 87° 49'

44" East from Post 71 on the land boundary line between the states of Ohio and Michigan intersects a line drawn South 45° West from the center of the existing circular concrete seawall on Turtle Island, both bearings being measured from a true meridian.

3. The costs of this suit, including the expenses of the Special Master, shall be born by the State of Michigan.

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CERTIFICATE OF SERVICE

I hereby certify that three copies of the foregoing "Brief for Defendant in Answer to Exceptions to Report and Recommendations of Special Master taken by the Plaintiff and Brief in Support Thereof" have been mailed to the offices of Frank J. Kelley, Attorney General, State of Michigan, and Robert A. Derengoski, Solicitor General, State of Michigan.

CHARLES S. RAWLINGS
Assistant Attorney General